

# SENATE BILL REPORT

## 2SSB 5342

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As Passed Senate, March 8, 2017

**Title:** An act relating to the distribution of monetary penalties to local courts and state agencies paid for failure to comply with discover pass requirements.

**Brief Description:** Concerning the distribution of monetary penalties to local courts and state agencies paid for failure to comply with discover pass requirements.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators King, Takko, Pearson and Pedersen; by request of Parks and Recreation Commission).

**Brief History:**

**Committee Activity:** Natural Resources & Parks: 1/31/17, 2/07/17 [DPS-WM].  
Ways & Means: 2/23/17, 2/24/17 [DP2S, DNP].

**Floor Activity:**

Passed Senate: 3/08/17, 48-1.

**Brief Summary of Second Substitute Bill**

- Allows counties with a population of less than 100,000 to retain a portion of infraction revenue from Discover Pass violations.
- Makes county courts ineligible to retain revenue from Discover Pass infraction penalties if in the preceding year more than 12 percent of the infractions were dismissed in that county.

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### SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

**Majority Report:** That Substitute Senate Bill No. 5342 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato, McCoy and Pearson.

**Staff:** Curt Gavigan (786-7437)

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### SENATE COMMITTEE ON WAYS & MEANS

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Majority Report:** That Second Substitute Senate Bill No. 5342 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey, Becker, Billig, Brown, Conway, Darneille, Fain, Keiser, Miloscia, Pedersen, Ranker, Rivers, Schoesler, Warnick, Zeiger and Rossi.

**Minority Report:** Do not pass.

Signed by Senator Hasegawa.

**Staff:** Jed Herman (786-7346)

**Background:** Discover Pass Program in General. During the 2011 regular session, the Legislature established the requirement for an annual Discover Pass or day-use permit for motor vehicle access to recreation lands managed by the State Parks & Recreation Commission (State Parks), the Department of Natural Resources (DNR), and the Department of Fish & Wildlife (DFW).

Discover Pass Infraction Revenue. Failure to comply with the Discover Pass requirement is a natural resource infraction with a statutory fine of \$99. This penalty must be reduced to \$59 dollars if an individual provides proof of purchase of a Discover Pass to the court within 15 days after the issuance of the notice of violation.

In 2012, the Legislature provided all revenue from Discover Pass violations to the Recreation Access Pass Account, which funds recreational land management by State Parks, DNR, and DFW.

Infraction Revenue in General. Thirty-two percent of fines assessed or collected through a district court are provided to the state for deposit in the state General Fund, while the remainder is retained by the county. All fines assessed and collected for county parking infractions are retained by the county.

**Summary of Second Substitute Bill:** For counties with a population of less than 100,000 on the date the bill takes effect, infraction revenue for Discover Pass violations is split between the state and county as follows:

- 75 percent goes to the Recreation Access Pass Account to fund recreational land management by State Parks, DNR, and DFW; and
- 25 percent is retained by the county to support court-related functions. However, county courts are ineligible to retain revenue from Discover Pass infraction penalties if in the preceding year more than 12 percent of the infractions were dismissed in that county.

For other counties, all revenue from Discover Pass violations goes to the Recreation Access Pass Account as under current law.

An eligible county may not retain this revenue if in the preceding year more than 12 percent of Discover Pass infractions were dismissed in that county.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill (Natural Resources & Parks):** *Testimony from 2017 Regular Session. The committee recommended a different version of the bill than what was heard.* PRO: This bill is trying to help small counties with the costs of processing Discover Pass violations, which can be a significant portion of work in some District Courts and create a burden. While there is some revenue lost for Discover Pass agencies, it is worth it to promote cooperation between the state and local governments.

**Persons Testifying (Natural Resources & Parks):** PRO: Senator Curtis King, Prime Sponsor; Todd Tatum, Washington State Parks and Recreation Commission; Lisa Ayers, Pacific County; Juliana Roe, Washington State Association of Counties; Melanie Stewart, District and Municipal Court Judges Association.

**Persons Signed In To Testify But Not Testifying (Natural Resources & Parks):** No one.

**Staff Summary of Public Testimony on First Substitute (Ways & Means):** *Testimony from 2017 Regular Session. The committee recommended a different version of the bill than what was heard.* PRO: This bill is a result of the state trying to work with the courts in smaller population counties to find a way to cover the judicial proceeding costs. The bill will help cover our processing costs.

**Persons Testifying (Ways & Means):** PRO: Daniel Farber, Washington State Parks; Melanie Stewart, District and Municipal Court Judges Association.

**Persons Signed In To Testify But Not Testifying (Ways & Means):** No one.